

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CRIMINAL MINUTES - SENTENCING & JUDGMENT

Case: CR 04-170-DT

Date: March 27, 2006

SCANNED

=====

PRESENT: HONORABLE DICKRAN TEVRIZIAN, U.S. DISTRICT JUDGE

Valencia Vallery
Courtroom Deputy

Lisa Gonzalez
Court Reporter

INTERPRETER:

=====

U.S.A. vs. Andrew Wall (BOND)

GOVERNMENT COUNSEL
William Carter

DEFENSE COUNSEL
Edward Robinson, Retained
Carmen A. Trutanich, Retained

SENTENCE:

X REFER TO JUDGMENT AND PROBATION/COMMITMENT ORDER (attached hereto).

____ Pursuant to Section 5E1.2(f), all fines are waived, including costs of imprisonment & supervision. THE COURT FINDS that the defendant does not have the ability to pay.

____ Pursuant to Title 28, U.S.C., Section 3612(f)(3)(A), interest on the fine is waived. THE COURT FINDS that the defendant does not have the ability to pay.

X On government's motion, the remaining counts and underlying counts are ORDERED DISMISSED.

X Defendant informed of right to appeal.

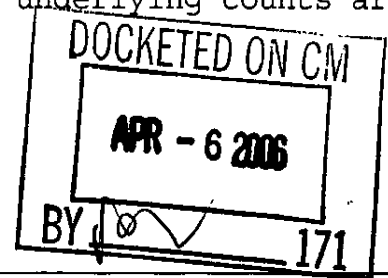
____ Bond exonerated _____ upon surrendering.

____ Execution of sentence is stayed until 2:00 P.M. _____ at which time the defendant shall surrender to the designated facility of the Bureau of Prisons or, if no designation is made, to the U.S. Marshal's Office, 312 No. Spring St., Los Angeles, CA.

____ Issued remand order #_____.

X OTHER: Court advises defendant of his right to individual counsel. Both defendants agree that counsel, Edward Robinson may represent the both of them at the present and prior proceedings. The Court is satisfied that Edward Robinson may represent both defendants.

X Filed and distributed judgment. ENTERED (JS-3).



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1 : 05
[signature]

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No. CR 04-170-DTDefendant ANDREW WALLSocial Security
No.0 8 0 3akas: T/N: ANDREW WALTER WALL, JR.

(Last 4 digits)

SCANNED

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
03	27	06

COUNSEL ☒ **WITH COUNSEL**Edward Robinson, Retained

(Name of Counsel)

PLEA☒ **GUILTY**, and the court being satisfied that there is a factual basis for the plea.☐ **NOLO
CONTENDERE**☐ **NOT
GUILTY****FINDING**There being a finding/verdict of ☐ **GUILTY**, defendant has been convicted as charged of the offense(s) of:
42 U.S.C. § 6928(d)(2)(A): Storage of Hazardous Waste Without a Permit (Count 1), Class D Felony.**JUDGMENT
AND PROB/
COMM
ORDER**

The Court inquired of the defendant and counsel as to whether there is any legal cause or reason as to the imposition of sentence. Due to the fact that there was not sufficient cause shown to the contrary by the defendant and/or counsel, the Court orders judgment as follows: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

START TEXT HERE **12 (twelve) months and 1 (one) day**. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **3 (three) years** under the following terms and conditions that the defendant shall: 1) comply with the rules and regulations of the U.S. Probation Office and General Order 318; 2) pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment, during the period of community supervision; 3) not engage, as whole or partial owner, consultant, employee or otherwise, in any business in which the handling, transportation, or disposal of hazardous waste is involved, without the prior express approval of the Probation Officer prior to engagement in such employment. The defendant shall provide the Probation Officer with access to any and all business records, client lists and other records pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Officer. Further, the defendant shall provide the Probation Officer with unfettered access to the premises of any such business controlled by the defendant; and 4) not be employed in any position that requires licensing and/or certification by any local, state or federal agency without prior approval of the Probation Officer.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

It is ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons on or before 12 noon, May 8, 2006. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at C101 United States Courthouse, 300 Ala Moana Boulevard, Honolulu, HI 96850. Bond shall be exonerated upon surrender.

Court recommends placement in Hawaii.

It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately.

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It is ordered that the defendant shall pay restitution in the total amount of \$490,000 pursuant to 18 U.S.C. § 3663. The amount of restitution ordered shall be paid as follows: City of Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, CA 90731, Attn: William Waterhouse - \$490,000. A partial payment of least \$250,000 shall be paid within 90 days. Restitution shall be due during the period of imprisonment, as directed by the Court or the United States Attorney, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, monthly payments of at least \$10,000 shall be made during the period of supervised release. These payments shall begin 30 days after the commencement of supervision.

It is ordered that the defendant shall pay to the United States a total fine of \$5,000 which shall bear interest as provided by law in monthly installments of \$250.

The Court FINDS that the conduct of the defendant was both negligent and criminal.

Court orders the court reporter to prepare a transcript of the sentencing proceeding, which is incorporated herein by reference as the court's statement of reasons to comply with the provisions of the Federal Sentencing Guidelines. Supervision as set forth herein shall begin immediately upon release from custody and shall not be stayed.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

April 4, 2006
Date

[Signature]
U. S. District Judge/Magistrate Judge

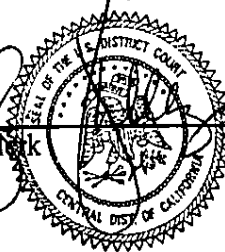
It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Sherri R. Carter, Clerk

APR - 4 2006
Filed Date

By

[Signature]
Deputy Clerk



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The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

☐ The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SCANNED

USA vs. ANDREW WALLDocket No.: CR 04-170-DT**SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE**

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____
 Defendant noted on appeal on _____
 Defendant released on _____
 Mandate issued on _____
 Defendant's appeal determined on _____
 Defendant delivered on _____ to _____
 at _____

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

 Date

Deputy Marshal

USA vs. ANDREW WALLDocket No.: CR 04-170-DT**CERTIFICATE**

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

Filed Date_____
Deputy Clerk**FOR U.S. PROBATION OFFICE USE ONLY**

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____

Defendant

Date_____
U. S. Probation Officer/Designated Witness_____
Date

NOTICE PARTY SERVICE LIST**Case No.** CR 04-170-DT **Case Title** U.S.A. v. ANDREW WALL**Title of Document** CRIM. MIN. - SENT. & JUDG.; JUDG. & PROBATION/COMMITMENT ORDER

	Atty Sttlmnt Officer Panel Coordinator
	BAP (Bankruptcy Appellate Panel)
	Beck, Michael J (Clerk, MDL Panel)
	BOP (Bureau of Prisons)
	CA St Pub Defender (Calif. State PD)
	CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
	Case Asgmt Admin (Case Assignment Administrator)
	Catterson, Cathy (9 th Circuit Court of Appeal)
	Chief Deputy Admin
	Chief Deputy Ops
	Clerk of Court
	Death Penalty H/C (Law Clerks)
	Dep In Chg E Div
	Dep In Chg So Div
	Federal Public Defender
✓	Fiscal Section
	Intake Section, Criminal LA
	Intake Section, Criminal SA
	Intake Supervisor, Civil
	Interpreter Section
	PIA Clerk - Los Angeles (PIALA)
	PIA Clerk - Riverside (PIAED)
	PIA Clerk - Santa Ana (PIASA)
✓	PSA - Los Angeles (PSALA)
	PSA - Riverside (PSAED)
	PSA - Santa Ana (PSASA)
	Schnack, Randall (CJA Supervising Attorney)

	Statistics Clerk
	US Attorneys Office - Civil Division -L.A.
	US Attorneys Office - Civil Division - S.A.
	US Attorneys Office - Criminal Division -L.A.
	US Attorneys Office - Criminal Division -S.A.
	US Bankruptcy Court
✓	US Marshal Service - Los Angeles (USMLA)
	US Marshal Service - Riverside (USMED)
	US Marshal Service -Santa Ana (USMSA)
✓	US Probation Office (USPO)
	US Trustee's Office
	Warden, San Quentin State Prison, CA

ADD NEW NOTICE PARTY

(if sending by fax, mailing address must also be provided)

Name:

Firm:

Address (include suite or floor):

*E-mail:

*Fax No.:

* For CIVIL cases only

JUDGE / MAGISTRATE JUDGE (list below):Initials of Deputy Clerk VRV